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LEGAL SURVEY

LEGAL DESCRIPTION
Job #020197
Owner: Jeanette (Harden) Ford
Source: Deed Record 159, Page 89

10.38 Acres

A part of the Southeast quarter of the Northwest fractional quarter of Section 31, Township 9 North, Range 1 East, Benton Township, Monroe County, Indiana, more specifically described as follows:

Commencing at the northeast corner of said quarter-quarter, said corner being marked with a 5/8 inch diameter rebar having a cap marked "Curry 890006" (called "monument" for the remainder of this description) set;

Thence on the north line of said quarter-quarter North 89 degrees 53 minutes 33 seconds West (basis of bearing being a survey by Stephen L. Smith recorded in Survey Book 3, page 468, Office of the Recorder) 502.94 feet (formerly a record distance of 511.5 feet) to a monument set at the true point of beginning;

Thence continuing North 89 degrees 53 minutes 33 seconds West 8.56 feet to a rebar with a cap found;

Thence continuing North 89 degrees 53 minutes 33 seconds West 775.94 feet to a rebar with a cap found;

Thence continuing North 89 degrees 53 minutes 33 seconds West 10.47 feet to a monument set at the northwest corner of said quarter-quarter;

Thence leaving said north line and on the west line of said quarter-quarter South 00 degrees 31 minutes 32 seconds West 259.14 feet (formerly a record distance of 297 feet) to a monument set at the northwest corner of Earl and Norma J. Harden (Deed Record 269, page 520);

Thence leaving said west line and on the north line of said Harden property South 72 degrees 53 minutes 13 seconds East 4.45 feet to a rebar found;

Thence continuing South 72 degrees 53 minutes 13 seconds East 1086.97 feet to a railroad spike found on the centerline of Kerr Creek Road;

Thence leaving said north line and on the centerline of said road the following chords:

North 40 degrees 36 minutes 13 seconds East 20.80 feet;

North 41 degrees 22 minutes 42 seconds East 68.06 feet;

North 56 degrees 30 minutes 47 seconds East 69.13 feet;

North 63 degrees 34 minutes 21 seconds West 140.86 feet to a nail set;

Thence leaving said centerline North 49 degrees 53 minutes 33 seconds West 638.13 feet (formerly a record distance of 610.50 feet) to the point of beginning containing within said bounds 10.38 acres (formerly a record area of 9.57 acres) be the same more or less but subject to all legal highways and easements of records according to a survey by Douglas R. Curry, Registered Surveyor No. 890006 in September, 1997.

NOTE: The above legal description describes the same property as in Deed Record 159, page 89, Office of the Recorder, Monroe County, Indiana.

SUBJECT to all rights-of-way and easements.

Evidence of easements has not been located in the field and is not shown on the survey drawing.

This certification does not take into consideration additional facts an accurate and correct title search and/or examination might disclose.

Subject to the above reservations, I hereby certify that the survey work performed on the project shown hereon was performed by me or under my direct supervision and control, and that all information is true and correct to the best of my knowledge and belief.

Certified this 12th day of September, 1997.

Douglas R. Curry
Douglas R. Curry (Indiana L.S. No. 890006)



REPORT OF LEGAL SURVEY
Job No. 020197
Jeanette (Harden) Ford

In accordance with Title 865 Article 1.1, Chapter 12, Section 1 through 34 of the IAC, a report of survey is required to explain procedures used in establishing the subject property lines and to provide an opinion regarding uncertainties in the final corner positions. These uncertainties can result from any of the following factors:

A. AMBIGUITIES IN RECORD DESCRIPTIONS OR PLAT

The boundaries of the Jay Ellis property (Deed Record 35, page 511) are dependent upon the location of four properties being excepted out of the East Half of the Northwest Quarter. The first exception as presented in the Ellis deed is the Fritch property (Deed Record 131, page 23). The second exception is the Harden property (Deed Record 175, page 120). The third exception is the Harden property (Deed Record 159, page 89) which is the subject property of this survey. The fourth exception is the Harden property (Deed Record 269, page 520) and this description as presented in the Ellis deed has been modernized with a survey by Edmund O. Farkas on June 21, 1979. The Farkas survey was used to create Deed 269.

Numerous discrepancies and ambiguities exist in the four deeds that are exceptions.

In the Fritch deed, the record states that the east boundary line should be 58 rods (957 feet). This survey found this distance to be 902.77 feet. The Ellis deed states that the south line of Fritch has a distance of 47 rods (775.5 feet). This survey found this distance to be 728.70 feet.

Deed 175 states a distance of 42 rods (693 feet) from the road to the corner. This survey found this distance to be 583.61 feet. Deed 175 gives a record distance of 52 rods 11 feet (869 feet) to a white oak tree. This survey found this distance to be 773 feet. Deed 175 states that the distance from the tree to the road is 55 rods (907.5 feet). This survey found this distance falling +/- 75 feet short of the road. To close this description, the record road distance of 42 rods (693 feet) could be held. NOTE: The north line of this property has a bearing in the Southeast quadrant.

At this time, the report will stop presenting the deeds chronologically and will discuss Deed 269 before Deed 159.

As stated above, Deed 269 represents the results of a survey by E. Farkas. The old description of Deed 269 stated in the Ellis deed appears to borrow from Deed 159 and Deed 175. Its point of beginning is the southwest corner of Deed 159. Its south boundary line is the same distance as the north line of Deed 175. However, the record distance of 66 feet ties back into the southeast corner of Deed 159 and uses the bearings and distances of Deed 159 for closing. NOTE: As stated above, the bearing of the north line of Deed 175 is in the southeast quadrant but the bearing of the south line of the original description of Deed 269 is in the northeast quadrant.

Also, Deed 269 and Deed 175 have different points of origin (commencement). Therefore, gaps and overlaps exist between these properties; an overlap on the west and a gap on the road. NOTE: Deed 269 has good angular closure.

Deed 159 as written has good angular closure and a respectable distance closure of +/- 2 feet. However, as shown on the drawing and found during this survey the distances do not measure up and they also fail to reach the road. The record distances of 511.5 feet and 808.5 feet add up to 1320 feet. This is the theoretical distance between quarter-quarter corners. This survey finds the real distance between quarter-quarter corners to be 1297.91 feet. Since the distances of 511.5 feet and 808.5 feet were created simultaneously the solution should be a proportional measurement if no other evidence can be found. No evidence was found and the proportional measurements are 502.94 feet and 794.97 feet.

Hopefully, it can now be seen, that the distances of records are of a low quality, but the angles do add up in two of the record legal descriptions. Thus, the record angle of 40 degrees was held and used to define the northeasterly boundary of Deed 159.

B. AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS

In order to conduct this survey, monuments found and set by Stephen L. Smith on January 14, 1994, while he surveyed the Ellis property were used. Also, monuments set by Edmund O. Farkas on June 21, 1979, while he surveyed Deed 269 were used.

This survey agrees with how the perimeter boundary of the Northwest quarter was established by Smith. It also agrees with the north, east, and west split of the quarter section. However, this survey uses the rebar set by Farkas at the southwest corner of the east half of the Northwest quarter.

A survey by Buskirk (Monroe County Surveyor) on December 15, 1884, indicates that this corner was not set at a split. He says that this corner exists South 86 degrees West 81 poles and 7 links (1341.12 feet) from the

center of the section (the southeast corner of the east half of the Northwest quarter). The Farkas rebar exists at the intersection of a four-way fence and is 5 inches north of the line created by the southeast corner and the southwest corner of the Northwest quarter. The Buskirk survey can be found in Survey Book 2, page 353, Office of the Surveyor.

As stated above, the condition of the existing legal descriptions create ambiguities, overlaps and gaps. The Farkas survey from which the description of Deed 269 was created and the recital of the monuments he set in said deed give these monuments a supremacy in the area. Thus, they were held and used.

C. INCONSISTENCIES IN LINES OF OCCUPATION

Crooked fences nailed from tree to tree meander along the west line of the east half of the northwest quarter and the north line of Deed 159.

A fence corner tree north of the northwest property corner has been incorrectly used as a quarter-quarter corner by others.

D. THEORETICAL UNCERTAINTY

Due to the area covered and the random errors caused by survey instrument precision the theoretical uncertainty of all points in this survey is 0.5 feet. This meets the requirements of a Class "C" survey as defined in the survey standards.

Douglas R. Curry Sept. 12, 1997
Douglas R. Curry (Indiana L.S. No. 890006)

